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Senator Lloyd Prozanski, Chair  
Senator Kim Thatcher, Vice Chair  
Senator Cliff Bentz  
Senator Shemia Fagan  
Senator Sara Gelser  
Senator Dennis Linthicum  
Senator James Manning, Jr.

RE: Senate Bill 762

Chair Prozanski, Vice-Chair Thatcher, and other Committee Members,

Please reject Senate Bill 762.

I am a retired Psychologist and program administrator now providing mental health consultation, training, and support services to organizations and individuals. I have been involved in directing, managing, and implementing mental health program crisis services and civil commitment procedures, and have taught civil commitment assessment and implementation procedures to psychiatric, psychologist, and other mental health profession residents and interns over the past 35 years.

SB 762 would extend the length of time by which a person can be detained and evaluated on a hold to meet the state's required burden of proof for civil commitment, but without there being evidence showing that a longer detention or period of evaluation would lead to more accurate assessments and justified commitment. (The State should be required to show such evidence of improved assessment and justified commitment before requiring that citizens lose their rights for a longer period of time.) In the absence of viable hospitalization alternatives, hospitalization can become the indefinite short-term fix to crisis management. The idea of detaining individuals longer to assess them, then, appears to function primarily for the benefit of an under-resourced system, while serving as an unnecessary loss of autonomy for the person detained.

SB 762 states "Permits individual to request hearing to determine whether there is probable cause for detention pending commitment hearing." Individuals detained have a right to a hearing without being required to request one, and the State with its burden of proof responsibility must provide the hearing unrequested in a timely fashion. This corresponds to other correlate applications of law where rights can be suspended. SB 762 also states "and the right to request, in writing, a hearing on whether there is probable cause to detain the person," but provides no alternative for the many who, by virtue of the acute effects of a crisis situation or general physical deficit, are left unable to write. Additionally, there is no requirement for those detaining the person to initiate an inquiry about, or an effort to locate, a proxy representative having already been designated by the detained individual to speak for them under such conditions. Many individuals have completed a

valid “Declaration for Mental Health Treatment” or other comparable legal process designating representation.

In other words, SB 762 is creating unfair and unjustified burdens on a person already in need of additional support and service during a time of crisis. The addition of helpful supports and services has been shown to promote a return to more stable functioning. Adding burdens, restricting autonomy, and reducing agency have not been shown to help beyond the most immediate safety precautions.

Please reject SB 762, and help Oregon focus on developing the supports and services shown to prevent crises. Oregon ranks 51<sup>st</sup> in the states for adult prevalence of mental illness and access to care. SB 762 and its focus will not improve the services Oregonians need access to. It will only hospitalize them as a poor alternative.

Thank you.

Jacek/Jack Hacia, Psy.D.